

APPENDIX C(1):

PART 1: INFORMATION REQUIRED FOR ENVIRONMENTAL ASSESSMENT UNDER THE SUBDIVISION AND PLATTING ACT

A. General Requirements

The applicant shall provide an environmental assessment with the submittal of a major or subsequent minor subdivision application. An environmental assessment submitted with a subdivision application must be organized so that each question is presented followed by its related response. All questions must have a response. Responses which only refer the reader to other parts of a subdivision application are insufficient. Responses must identify sources utilized. If a question does not apply to the subdivision application, the response must indicate why it is not applicable.

An environmental assessment must address the following information:

- 1 A description of the surface and ground water, geology and soils, vegetation, and wildlife use within the area of the proposed subdivision, as described in Section C below;
2. A community impact report containing an analysis of anticipated impacts of the proposed subdivision on the community as described in Section D below; and
3. A summary of probable impacts of the proposed subdivision and how these impacts will be mitigated based on the criteria described in 76-3-608, MCA, as described in Section E below.

B. Exemptions

The following subdivisions shall not be required to submit an environmental assessment:

1. A first minor subdivision from a tract of record (76-3-609(2), MCA).

2. A subdivision that satisfies all of the following criteria (76-3-616(2), MCA):
 - a. The proposed subdivision is entirely within an area inside or adjacent to an incorporated city or town where the governing body has adopted a growth policy that includes the provisions of 76-1-601(4)(c), MCA;
 - b. The proposed subdivision is entirely within an area subject to zoning adopted pursuant to 76-2-203 or 76-2-304, MCA that avoids, significantly reduces, or mitigates adverse impacts identified in a growth policy that includes the provisions of 76-1-601(4)(c), MCA; and
 - c. The subdivision proposal includes a description, using maps and text, of future public facilities and services, that are necessary to efficiently serve the projected development.

C. Environmental Description Contents

1. Surface Water

- a. Locate on a plat overlay or map exhibit all surface water and the delineated floodways that may impact or be impacted by the proposed subdivision including natural water systems (streams, lakes, rivers, or marshes), artificial water systems (canals, ditches, aqueducts, reservoirs, irrigation or drainage systems), and land subject to flooding.
- b. Describe all surface water that may impact or be impacted by the proposed subdivision including name, approximate size, present use, and time of year that water is present.
- c. Describe the proximity of proposed improvements or infrastructure (such as buildings, wastewater treatment systems, roads) to surface water.
- d. Describe any existing or proposed stream bank or shoreline alterations and/or any proposed construction or modification of

lakebeds or stream channels. Provide information on the location, extent, type, and purpose of any proposed alteration.

- e. Indicate which local, state or federal permits related to water or water quality have been or will be applied for and describe the reasons why these permits are required.

2. Groundwater

- a. Using publically available information, provide the estimated seasonal minimum and maximum depth to the water table, dates on which these depths were determined, and the location and depth of all known aquifers that may be affected by the proposed subdivision.
- b. Provide a description of any steps necessary to avoid the degradation of groundwater and groundwater recharge areas.

3. Geology, Soils and Topography

- a. Using publically available information, locate on a plat overlay or map exhibit all areas with slopes greater than or equal to 30 percent and any known geologic hazards affecting the proposed subdivision which could result in property damage or personal injury due to any of the following: seismic zones rock falls or slides; land, mud or snow slides; high water table, or unstable or expansive soil conditions.
- b. Explain the measures that will be taken to prevent or materially lessen the danger of future property damage or injury due to existing geologic conditions.
- c. Provide a statement describing any unusual soil, topographic or geologic conditions on the property, which may limit the capability for construction or excavation using ordinary and reasonable techniques. The statement should address conditions such as shallow bedrock, high water table, unstable or expansive soil conditions, and slope. Describe the location and amount of any cut or fill three or more feet in depth. Where cuts or fills are necessary, describe prevention of erosion and

the promotion of revegetation, such as replacement of topsoil and grading.

- d. Attach soil reports obtained from the United States Department of Agriculture (USDA), Natural Resource and Conservation Service (NRCS) containing the physical properties and engineering indices for each soil type, the soil limitations for sanitary facilities, building site development, and water management for each soil type. Describe any special design methods planned to overcome the soil limitations.

4. Vegetation

- a. Locate on a plat overlay or map exhibit, the location of the major vegetation types such as marsh, grassland, shrub, and forest and identify plant species of concern as identified by the Montana Natural Heritage Program (MTNHP).
- b. Describe measures to preserve trees and plant species of concern (as identified by the Montana Natural Heritage Program (MTNHP)) (e.g., design and location of roads, lots and open spaces).
- c. Identify areas containing noxious weed growth. Describe proposed means of weed control, especially to prevent weed growth on areas disturbed by construction.

5. Wildlife

- a. Describe species of fish and wildlife that inhabit the area affected by the proposed subdivision.
- b. Describe the impacts of the proposed development on fish and wildlife as identified by the Montana Department of Fish, Wildlife and Parks (MFWP). Provide a written statement outlining any recommendation provided by MFWP and any mitigation efforts to mitigate adverse impacts.

6. Wildlife Habitat

- a. Locate on a plat overlay or map exhibit any known wildlife areas, such as big game winter range, wildlife migration routes, waterfowl nesting areas, wetlands and habitat for threatened or endangered species (as identified by the Montana Department of Fish, Wildlife and Parks (MFWP) and the United States Fish and Wildlife Service (USFWS).
- b. Describe any proposed measures to protect wildlife habitat or to minimize degradation (e.g., keeping buildings and roads away from shorelines or setting aside marshland as undeveloped open space).

D. Community Impact Report Contents

1. Agriculture and Agricultural Water User Facilities

- a. Describe potential impacts the development may have on agriculture. If there will be impacts, describe how those impacts will be mitigated.
- b. Describe potential impacts the development may have on agricultural water user facilities. If there will be impacts on agricultural water user facilities, describe how these impacts will be mitigated.
- c. Describe the type of agriculture (if any) on the site being considered.
- d. Describe the type of agriculture (if any) on adjacent properties.
- e. Attach soil reports obtained from the U.S.D.A., Natural Resource and Conservation Service (NRCS) which identify soil types; soil productivity and capability class; land designation (if any) as prime farmland, or farmland of statewide or local importance; and erosion potential.
- f. Where potentially significant impacts are anticipated to agricultural cropland, a more detailed Land Evaluation and Site

Assessment (LESA) System report should be compiled and attached. Completing a LESA report is advised if the affected parcel contains at least 10 acres of agricultural land, and one or more of the following criteria are triggered:

- i. Any of the following soil types are present: prime; prime if irrigated; statewide; statewide if irrigated, and/or, local importance.
- ii. There is perennial stream or spring running through the property.
- iii. There is contiguous land along the boundary of the property in question that is being used for agricultural purposes.
- g. Describe water rights and irrigation facilities (if any), including ownership, easements, and potential safety issues such as the possible need for fencing. The applicant must provide details about irrigation facility ownership and easements. In cases where ownership and/or water rights are unclear, the applicant must clarify them either through a letter from the local irrigation district, Department of Natural Resources and Conservation (DNRC), and/or the appropriate water judge.
- h. Indicate the presence of conservation easements on any portion of the property, or adjacent property.

2. Water Supply

- a. Describe how water will be provided for residential and non-residential uses and fire protection.
- b. Indicate the number of gallons per day of water the proposed subdivision will require and whether the water supply is sufficient to meet the needs of the subdivision. Describe any potential impacts on existing water systems or wells within the area.
- c. Based on available information, specify whether the proposed water supply satisfies the standards set forth by the Montana

Department of Environmental Quality for quality, quantity and construction criteria. Unless cisterns are proposed information should be obtained from one or more of the following sources:

- i. Well logs or testing of onsite or nearby wells;
 - ii. Information contained in published hydrogeological reports;
or
 - iii. As otherwise specified by the rules adopted by the Montana Department of Environmental Quality pursuant to 76-4-104, MCA.
- d. If connection to an existing public or multi-user water system is proposed, identify and describe the existing system and approximate distance to the connection from the proposed subdivision, and
- i. Provide written evidence from the appropriate owner(s) or jurisdiction that permission to connect to that system has been obtained.
 - ii. Provide information regarding the capacity of the existing water system and its adequacy for serving the proposed subdivision.
 - iii. Provide information regarding the installation, maintenance and phasing of any existing water system.
- e. If a new public or multi-user water system is proposed, identify who will install that system, and how the system will be maintained.
- f. If individual water systems are proposed, describe the adequacy of supply of groundwater for individual wells or cisterns and the method used to determine adequacy.

3. Wastewater Treatment

- a. Describe the proposed method of wastewater treatment.

- b. Indicate the number of gallons of effluent per day that will be generated by the proposed subdivision at full occupancy, whether the proposed method of wastewater treatment is sufficient to meet the anticipated needs of the subdivision, and whether it meets the standards of the Montana Department of Environmental Quality.
- c. If connection to an existing public wastewater treatment system is proposed, provide a description of the system and the approximate distance from proposed subdivision, and
 - i. Provide written evidence from the appropriate owner(s) or jurisdiction that permission to connect to that system has been obtained.
 - ii. Provide information regarding the capacity of the existing system and its adequacy for serving the proposed subdivision.
 - iii. Provide information regarding the installation, maintenance and phasing of any existing public wastewater treatment system.
- d. If a new public or multi-user wastewater treatment system is proposed, identify who will install that system, and how the system will be maintained.
- e. If individual wastewater treatment systems are proposed, describe the location and specifications of the wastewater systems.

4. Solid Waste Disposal

- a. Provide evidence that there is an existing solid waste collection and disposal system available that can accommodate the anticipated additional volume.

- b. If no existing collection and disposal system is available, describe the proposed method of solid waste collection and disposal.
- c. Describe how the proposed system satisfies the standards set forth by the Montana Department of Environmental Quality.

5. Storm water

- a. Provide calculations indicating how much storm water run-off will be generated as a result of the proposed development.
- b. Provide a description of the proposed storm water collection and drainage systems that satisfy the standards set forth by Chapter XI.L.

6. Roads

- a. Describe how the subdivision will provide legal and physical access.
- b. Describe any required construction of new County roads or proposed improvements to existing public access roads.
- c. If connections to any existing roads are proposed, identify all approach or encroachment permits that are necessary from the city, county or state.
- d. If any of the individual lots is accessed directly from a state highway, arterial, or major collector street or road, explain why access was not provided by means of a frontage road or a road within the subdivision.
- e. Describe the proposed closure or modification of any existing roads.
- f. Describe provisions considered for dust control on roads.

- g. Describe how road maintenance will be provided to meet Montana Department of Environmental Quality guidelines for prevention of water pollution and erosion.
- h. Indicate who will pay the cost of installing and maintaining the roads.
- i. Indicate how much daily traffic will be generated on existing roads when the subdivision is fully developed.
- j. Indicate the capacity of existing and proposed roads and if they are capable of safely handling the increased traffic resulting from the proposed subdivision.
- k. Describe any additional maintenance on existing roads that will be necessary due to increased traffic and who will pay the cost of maintenance.
- l. Describe any potential year-round accessibility concerns for conventional automobiles and emergency services vehicles over legal rights-of-way available to the subdivision and to all lots and common facilities within the subdivision.
- m. Identify the owners of any private property over which access to the subdivision will be provided and indicate whether easements for access have been obtained from those landowners.

7. Utilities

- a. Identify the utility companies involved in providing electrical power, natural gas, and telephone service. Indicate extent to which these utilities will be placed underground.
- b. Identify on the preliminary plat, overlay or map exhibit the locations of any planned utility easements within and to the subdivision.
- c. Indicate whether the subdivision has been submitted to affected utilities for review.

- d. Identify on the preliminary plat, overlay or map exhibit any existing utility lines on the property such as transmission lines, pipelines, etc. and if so, describe the impacts they may have on the proposed subdivision.

8. Emergency Services

- a. Describe the emergency services available to the subdivision, including number of personnel and number of vehicles or type of facilities and road distance to facilities for:
 - i. Fire protection (Indicate whether the proposed subdivision is in a rural fire district or fire service area);
 - ii. Police protection;
 - iii. Ambulance service; and
 - iv. Medical services.
- b. Indicate whether the needs of the proposed subdivision for each of the emergency services will be met by present personnel and facilities.
- c. If not, describe the additional expenses necessary to make these services adequate and explain who will pay for the necessary improvements.
- d. Describe any health or safety hazards on or near the subdivision, such as mining activity, high-pressure gas lines, dilapidated structures, high-voltage power lines, or irrigation ditches. Any such conditions must be accurately described and their origin and location identified.

9. Schools

- a. Describe the available educational facilities that would service this subdivision.

- b. Provide an estimate of the number of school children (primary and secondary) that will be generated from the proposed subdivision.
- c. Provide information regarding whether increased enrollment can be accommodated by the present personnel, facilities and the existing school bus system.

10. Parks and Recreation Facilities

- a. Describe any park and recreation facilities to be provided within the proposed subdivision and other recreational facilities that may serve the subdivision.
- b. State how the required parkland dedication (see Chapter XI.R) will be satisfied.

11. Land Use

- a. Indicate compliance with zoning encompassing all or part of the proposed subdivision. If the proposed subdivision is located near the jurisdictional area of an incorporated city or town, state whether annexation is proposed.
- b. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe present and anticipated uses for those lands.
- c. Describe land uses on adjacent land.
- d. Describe any on-site or off-site land uses creating a nuisance, such as unpleasant odors, unusual noises, dust or smoke.

12. Historical, Archeological, or Cultural Features

- a. Describe and locate on a copy of the preliminary plat, overlay or map exhibit, any known or possible historic, archaeological, or cultural sites that may be affected by the proposed subdivision.

- b. Describe any plans to protect such sites or properties.

13. Visual Impact

- a. Describe any efforts to visually blend development activities with natural surroundings.
- b. Describe any efforts to prevent artificial light from illuminating beyond the property lines of the subdivision.
- c. Provide information regarding revegetation after construction and any proposed landscaping to be provided along streetscapes.

E. Summary of Probable Impacts

- 1. Provide a summary of probable impacts of the proposed subdivision and how these impacts will be mitigated based on the following:
 - a. Agriculture;
 - b. Agricultural water user facilities;
 - c. Local services;
 - d. The natural environment;
 - e. Wildlife; and
 - f. Wildlife habitat.

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